

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH CHAMBERS, *individually and on behalf of
all others similarly situated,*

Plaintiff,

– *against* –

MAPLEBEAR, INC. d/b/a INSTACART,

Defendants.

ORDER

21 Civ. 7114 (ER)

Ramos, D.J.:

On July 13, 2022, in light of the Supreme Court’s decision in *Southwest Airlines Co. v. Saxon*, 142 S. Ct. 1783 (2022), the Second Circuit granted a petition to rehear en banc *Bissonnette v. LePage Bakeries Park St., LLC*, 33 F.4th 650 (2d Cir. 2022), in part to re-examine its holding that food delivery drivers whose work occasionally requires them to travel out of state did not fall under the transportation workers exemption for the purposes of the Federal Arbitration Act.

Saxon concerned a ramp supervisor for Southwest Airlines. The Supreme Court found that she was a transportation worker, defining that term to say that “transportation workers must be actively ‘engaged in transportation’ of . . . goods across borders via the channels of foreign or interstate commerce.” *Saxon*, 142 S. Ct. at 1790. It rejected the idea that this determination was an “industrywide” one. *Id.* at 1791. In *Bissonnette*, the Second Circuit held that the exemption for transportation workers was “limited to workers involved in the transportation industry.” 33 F.4th at 655. Because it also found that plaintiffs were in the “baking industry,” they were not subject to the exemption. *Id.*

Accordingly, the parties are directed to address in a letter to the Court whether *Bissonnette* may be dispositive to one or more issues in the instant action, and whether the Court should therefore stay the case pending the Second Circuit's decision. The parties are directed to file these letters no later than July 29, 2022.

It is SO ORDERED.

Dated: July 21, 2022
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is positioned above a horizontal line.

Edgardo Ramos, U.S.D.J.